

## *St. Louis City Ordinance 62475*

FLOOR SUBSTITUTE

BOARD BILL NO. [91] 280

INTRODUCED BY ALDERMAN JOANNE WAYNE

An ordinance finding that it is in the best interests of the City of St. Louis (the "City"), residents of the City and the St. Louis metropolitan area, airlines, airline passengers, those employed at Lambert-St. Louis International Airport ("Airport") and employees of industries dependent upon the Airport, that the City adopt a Nonassignment Ordinance relating to the Airport in order to enhance, maintain and protect the viability, safety and efficiency of the Airport's operations;

WHEREAS, the City is authorized under the laws of the State of Missouri to own, control, lease, equip, improve, maintain, operate and regulate the Airport; and

WHEREAS, it is in the best interests of the City, residents of the City, airlines, airline passengers and those employed at the Airport or in industries dependent upon the Airport, that the City preserve and enhance the safety, capacity and security of the transportation facilities at the Airport; and

WHEREAS, it is in the best interests of the City to assure that Airport operations are responsive to needs of travelers and the general public; that the vital financial interests of the City, its residents and residents of the metropolitan St. Louis area are protected; and that space at the Airport is utilized in a manner so as to benefit the City and its residents and residents of the metropolitan St. Louis area and the traveling public; and

WHEREAS, it is in the best interests of the City to preserve and enhance the health, safety and welfare of City residents, airline passengers and December 13, 1991 those employed at the Airport; and

WHEREAS, it is in the best interests of the City to assure that air travel to and from the St. Louis metropolitan area is unimpeded; and

WHEREAS, the airline industry is in an unstable financial condition and a number of air carriers, some of which are or were operating at the Airport, are in various stages of bankruptcy proceedings; and

WHEREAS, for the aforementioned reasons, and in order for the City to assure that gate space at the Airport is utilized economically, efficiently and safely, it is in the best interests of the City, residents of the City, airlines and airline passengers that the City's consent be required before a lessee of gate space or other property at the Airport assigns or otherwise transfers all or part of its leasehold interest to another entity;

**BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

SECTION ONE. It is in the best interests of the City of St. Louis (the "City"), residents of the City and the metropolitan St. Louis area, airlines, airline passengers and those employed at Lambert-St. Louis International Airport (the "Airport") or in industries dependent upon the Airport, that the City, pursuant to its authority under state law, adopt this Nonassignment Ordinance in order to: preserve and enhance the safety, capacity and security at the transportation facilities at the Airport; protect the vital financial interests of the City, its residents and residents of the metropolitan St. Louis area; assure that air travel to and from the Airport is not interrupted; safeguard the City from potential financial hardship caused by the deteriorating financial condition of the airline industry; and ensure the health, safety and welfare of those who travel to and from the Airport and those employed at the Airport.

SECTION TWO. No permit, license, contract, lease or other agreement, or interest therein, for space, services or facilities at the Airport shall be assumed, assigned or otherwise transferred by a party to such permit, license, contract, lease or agreement without prior consent in writing from the Director of Airports with the approval of the Airport Commission, which consent shall not be unreasonably withheld. The foregoing shall not prevent assignment of a permit, license, contract, lease or other agreement, or interest therein, by an airline to any corporation with which the airline may merge or consolidate, or which may succeed to the business of the airline.

SECTION THREE. No person, corporation or other entity may engage in any commercial activity on the premises of the Airport without the prior written consent of, and under terms and conditions prescribed by, the Director of Airports with the approval of the Airport Commission. other appropriate public body or public official.

SECTION FOUR. Where this Ordinance requires the consent of the Director of Airports' or other appropriate public body or public official, for a proposed assumption, assignment or other transfer (hereinafter collectively a "Proposed Transfer"), the Director of Airports or other public official shall base his decision upon whether the best interests of the City, the City's residents and

those of the traveling public would be served by the proposed transaction. Where this Ordinance requires consent of the Airport Commission or other public body for a Proposed Transfer, the Airport Commission or other public body shall base its decision upon whether the best interests of the City, the City's residents and those of the traveling public would be served by the proposed transaction.

SECTION FIVE. Any assumption, assignment or other transfer promulgated in violation of this Ordinance shall be illegal, unenforceable and void.

SECTION SIX. The terms, requirements and proscriptions of this Ordinance shall apply to all permits, licenses, contracts, leases and other agreements, or interests therein, for space, services or facilities at the Airport existing at the time this Ordinance is enacted or anytime thereafter, but shall not prevent any assignment or transfer specifically authorized by the terms of a permit, licenses, contract, lease or other agreement already existing at the time this Ordinance is enacted.

SECTION SEVEN. This Ordinance and the provisions herein are not intended to address matters regulated by the Federal Aviation Administration ("FAA Regulations"). If any conflict is determined to exist between any provision in this Ordinance and FAA Regulations, this Ordinance shall be construed to defer to FAA Regulations without affecting the validity of this Ordinance.

SECTION EIGHT. This being an Ordinance necessary for the immediate preservation of the public health and safety, it is hereby declared to be an emergency measure as defined in Article IV, Section 20, of the City Charter and shall become effective immediately upon its approval by the Mayor of the City of St. Louis.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
12/06/91	12/06/91	T&C	12/11/91	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
12/13/91			12/17/91	12/17/91
ORDINANCE	VETOED		VETO OVR	

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